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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,344	10/02/2000	Balakrishnan Sridhar	327	3540

7590 08/12/2003

Ciena Corporation
Legal Department
1201 Winterson Rd
Linthicum, MD 21090

EXAMINER
CUNNINGHAM, STEPHEN C

ART UNIT	PAPER NUMBER
3663	

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/677,344	SRIDHAR ET AL.	
	Examiner	Art Unit	
	Stephen C. Cunningham	3663	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ they raise the issue of new matter (see Note below);
   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a)☒ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.
8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

MARK HELLNER
PRIMARY EXAMINER
Mark Hellner

Continuation of 5. does NOT place the application in condition for allowance because: (1) Paper 11 fails to meet the formal requirement that the affidavit be signed by all inventors, -unless there is a statement explaining that less than all of the inventors contributed to the claimed invention; -or that the other inventors are unavailable/dead. If the other inventors (who have not signed the affidavit) did not invent the claimed subject matter then their names must be removed from the application. If the other inventors (who have not signed the affidavit) are unavailable evidence must be submitted showing that attempts to contact the inventors have been made and unsuccessful. If the other inventors (who have not signed the affidavit) are dead, the office must be informed of the fact.
(2) Evidence submitted demonstrating prior invention of the instant invention fails to disclose the limitations as claimed. Specificall the Taylor reference is used to reject the limitations -
Said control circuit including:

an attenuator offset value storage device operatively connected to said control circuit, said attenuator offset value storage devic storing an attenuator offset value;

said control circuit inputting the attenuator offset value from said attenuator offset value storage device and outputting the attenuation control signal in response to the input optical power, the dispersion compensating element loss value and the attenuator offset value.

The only reference to the limitations similar to the claimed limitation occurs in exhibit 1 (labeled "page 10") stating, "The attenuator offse level is stored internally and is defined as the attenuator offset." This statement makes no mention of the control circuit's interaction with the attenuator offset value storage device.